

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE
REGARDING REVISIONS PRIMARILY RELATED TO AFFORDABLE HOUSING, THE PDR DISTRICT,
AND USES IN THE F/J-A WATERSHED OVERLAY (TC1900004)**

WHEREAS, the Durham City Council wishes to amend certain provisions in the Unified Development Ordinance primarily related to affordable housing, the PDR district, and uses in the F/J-A watershed overlay; and

WHEREAS, the City and County of Durham are continuing to explore ways for the provision of affordable housing; and

WHEREAS, it is the objective of the Durham City Council to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that Article 4, Zoning Districts; Article 6, District Intensity Standards; Article 10; and Article 17, Definitions, of the *Unified Development Ordinance* is amended to make the following changes set forth in the deletions (strikethroughs) and additions (underlining) below:

PART 1

Sec. 6.6 Affordable Housing Bonus

[Paragraphs not listed remain unchanged]

6.6.1 General Requirements

D. Dimensional Standards

The following reductions are allowed in order to incorporate the additional dwelling units.
~~In single-family and duplex developments, required minimum lot area, lot width, and yard requirements can be reduced up to 20% in order to incorporate the additional units.~~

1. Lot Dimensions

a. Single-family and Two-family lots in RU-5, RU-5(2), and the Small Lot Option

Minimum lot area and width requirements can be reduced by a maximum of 20%.

b. All other Residential Development

Minimum lot area and width requirements can be reduced by a maximum of 35%.

2. Yard Requirements

a. Single-family and Two-family lots in RU-5, RU-5(2), and the Small Lot Option

Minimum yard requirements can be reduced by a maximum of 20%.

b. All other Residential Development

Minimum yard requirements can be reduced by a maximum of 35%.

3. Required Compliance with Infill Standards

Regardless of the lot and yard dimensional allowances above, infill standards per Sec. 6.8, Infill Development in Residential Districts, shall apply to all residential development that is applicable under that section.

Sec. 6.11 Planned Districts

[Paragraphs not listed remain unchanged]

6.11.3 Planned Development Residential (PDR)

B. Dimensional Requirements

1. Site Area

No minimum site area for the initial approval of the zoning district is required.

a. The area required for the initial approval of the zoning district shall be as follows:

(1) Within the Urban Tier, no minimum acreage shall be required.

(2) Within the Suburban Tier, a minimum of four contiguous acres shall be required.

b. Additions to an existing approved PDR can be made in increments of any size.

D. Building Orientation

2. Building Separation

a. Unless alternative building separation standards are established in Article 7, Design Standards, the minimum building separation shall be as follows:

Height of Taller Building	Distance Between Vertical Projections
Under 35 feet	10 feet
35.1 to 40.0 feet	<u>30-20</u> feet
40.1 to 50.0 feet	<u>60-40</u> feet
50.1 to 85.0 feet	<u>70-59</u> feet
85.1 to 90.0 feet	<u>80-66</u> feet

To determine the separation required, the vertical projections for each building shall be drawn from that point on each building that is horizontally closest to the other building.

b. Manufactured homes in parks shall maintain a distance of at least 16 feet between other manufactured homes. Added on rooms, porches, and other structures attached to the manufactured home shall be considered part of the manufactured home.

c. The governing body can reduce or increase separations after consideration of the general bulk and scale in comparison with nearby development. Such modification shall only occur in conjunction with the approval of the development plan.

E. Yards

1. Street Yards

No building shall be erected, reconstructed, altered or moved nearer to the property line along the street on which such building faces than is indicated in the following table.

Residential Density	Minimum Street Yard
1.0 to 8.0 units per acre	8 feet
<u>More than 8.0 units per acre</u> <u>8.1 to 16.0 units per acre</u>	15 feet
<u>More than 16.0 units per acre</u>	<u>25 feet</u>

Sec. 10.3 Required Parking

[Paragraphs not listed remain unchanged]

10.3.1 Required Motorized Vehicle and Bicycle Parking

B. Required Parking

7. In the following tiers, the motor vehicle parking rates for household living dwelling units shall be as follows:

	Minimum	Maximum
Compact Neighborhood Tier:		
Household Living, except as Listed Below	1 space/unit	2 spaces/unit
Affordable Housing Dwelling Units	None	2 spaces/unit
Urban Tier: <u>Urban and Suburban Tiers</u>		
Affordable Housing Dwelling Units	None	2 spaces/unit

Sec. 17.3 Defined Terms

Family: One or more individuals residing in a dwelling unit, living as a single housekeeping unit, and complying with the following rules:

- A. Any number of individuals related by blood, marriage, or adoption may occupy a dwelling unit;
- B. Where some or all of the occupants are unrelated by blood, marriage, or adoption, the total number of occupants that are unrelated, shall not exceed ~~threesix~~. In applying this provision, children who are under the age of 23 and who are children of the owner or a person renting an entire dwelling unit from the owner shall be counted as a single occupant. In addition, in all cases, the limitation set out in subsection C. below shall apply.
- C. Where a reasonable accommodation has been approved.
- D. The presence of household employees or children in foster care shall not disqualify any premises otherwise satisfying the above rules.

PART 2

Sec. 4.11 Watershed Protection Overlay

[Portions of the table, and paragraphs not listed, remain unchanged]

4.11.4 Nonresidential Land Use Restrictions

Nonresidential land uses shall be restricted in accordance with the following table and Sec. 8.7, Watershed Protection Overlay Standards.

Overlay	Development Restrictions
F/J-A	<p>Except in the Rural Tier, nonresidential uses shall be prohibited, except that public and civic uses listed in paragraph 5.2.4, Public and Civic Use Categories, commercial uses listed in paragraph 5.2.5, Commercial Use Categories, office uses listed in paragraph 5.2.5J, Office Use Categories, and light industrial uses listed in paragraph 5.2.6A, Light Industrial Service, shall be permitted on land zoned for such uses (see Sec. 5.1, Use Table) as of September 28, 1992, provided that they do not manufacture, distribute or warehouse for distribution nuclear materials or substantial quantities of hazardous materials. Such uses may be permitted to store for on-site use or produce as a waste product nuclear materials or substantial quantities of hazardous materials, subject to the requirements of paragraph 8.7.2G, Hazardous and Nuclear Materials, provided that they maintain a 1000-foot natural vegetated buffer from the normal pool of the reservoir except when located in a special flood hazard area.</p> <p>Land already zoned for one of the above uses may be rezoned to permit one of the above nonresidential uses, except for commercial uses, in accordance with the procedures of Sec. 3.5, Zoning Map Change.</p> <p>Within the Rural Tier, nonresidential uses shall be prohibited except that those uses allowed <u>in residential districts and</u> in the CN District may be permitted. The sale of fuel for motor vehicles shall be prohibited.</p>

PART 3

That the Unified Development Ordinance shall be renumbered, including references, as necessary to accommodate these changes.

PART 4

That this amendment of the Unified Development Ordinance shall become effective *December 1, 2020*.